

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
CLARKSBURG DIVISION**

**WEST VIRGINIA HIGHLANDS  
CONSERVANCY, WEST VIRGINIA  
RIVERS COALITION AND SIERRA CLUB,**

**Plaintiffs,**

**v.**

**CIVIL ACTION NO. 1:16-cv-70**

**AUSTIN CAPERTON, Secretary, West Virginia  
Department of Environmental Protection,**

**Defendant.**

**MOTION TO WITHDRAW OBJECTION**

On July 10, 2017, the Court entered a Consent Decree resolving this matter in its entirety, except for the single issue of Plaintiffs' attorney fees and costs. (ECF Doc. 37) On July 24, 2017, Plaintiffs filed a motion for such fees and costs. (ECF Doc. 38) That motion was referred to Magistrate Judge Aloi, who on October 10, 2017, granted Plaintiffs' motion. (ECF Doc. 51.) On October 24, 2017, Defendant objected to that Order. (ECF Doc. 52.) Briefing followed.

To resolve the remaining issue of attorney fees and costs, Defendant hereby moves to withdraw its Objection to the Magistrate's Order.

Respectfully submitted,

*/s/ Benjamin L. Bailey*  
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**CERTIFICATE OF SERVICE**

I, Benjamin L. Bailey, do hereby certify that on November 4, 2019, I electronically filed the foregoing **Motion to Withdraw Objection** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

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\_\_\_\_\_  
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